

Effective 5/13/2014

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53A-1a-510 Termination of a charter.

- (1) Subject to the requirements of Subsection (3), a charter school authorizer may terminate a school's charter for any of the following reasons:
 - (a) failure of the charter school to meet the requirements stated in the charter;
 - (b) failure to meet generally accepted standards of fiscal management;
 - (c) subject to Subsection (8), failure to make adequate yearly progress under the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.;
 - (d) violation of requirements under this part or another law; or
 - (e) other good cause shown.
- (2)
 - (a) The authorizer shall notify the following of the proposed termination in writing, state the grounds for the termination, and stipulate that the governing board may request an informal hearing before the authorizer:
 - (i) the governing board of the charter school; and
 - (ii) if the charter school is a qualifying charter school with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit Enhancement Program, the Utah Charter School Finance Authority.
 - (b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after receiving a written request under Subsection (2)(a).
 - (c) If the authorizer, by majority vote, approves a motion to terminate a charter school, the governing board of the charter school may appeal the decision to the State Board of Education.
 - (d)
 - (i) The State Board of Education shall hear an appeal of a termination made pursuant to Subsection (2)(c).
 - (ii) The State Board of Education's action is final action subject to judicial review.
 - (e)
 - (i) If the authorizer proposes to terminate the charter of a qualifying charter school with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b) 120 days or more after notifying the following of the proposed termination:
 - (A) the governing board of the qualifying charter school; and
 - (B) the Utah Charter School Finance Authority.
 - (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School Finance Authority shall meet with the authorizer to determine whether the deficiency may be remedied in lieu of termination of the qualifying charter school's charter.
- (3) An authorizer may not terminate the charter of a qualifying charter school with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit Enhancement Program, without mutual agreement of the Utah Charter School Finance Authority and the authorizer.
- (4)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules that require a charter school to report any threats to the health, safety, or welfare of its students to the State Charter School Board in a timely manner.

- (b) The rules under Subsection (4)(a) shall also require the charter school report to include what steps the charter school has taken to remedy the threat.
- (5) Subject to the requirements of Subsection (3), the authorizer may terminate a charter immediately if good cause has been shown or if the health, safety, or welfare of the students at the school is threatened.
- (6) If a charter is terminated during a school year, the following entities may apply to the charter school's authorizer to assume operation of the school:
 - (a) the school district where the charter school is located;
 - (b) the governing board of another charter school; or
 - (c) a private management company.
- (7)
 - (a) If a charter is terminated, a student who attended the school may apply to and shall be enrolled in another public school under the enrollment provisions of Chapter 2, Part 2, District of Residency, subject to space availability.
 - (b) Normal application deadlines shall be disregarded under Subsection (7)(a).
- (8) Subject to the requirements of Subsection (3), an authorizer may terminate a charter pursuant to Subsection (1)(c) under the same circumstances that local educational agencies are required to implement alternative governance arrangements under 20 U.S.C. Sec. 6316.